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## OVERVIEW

Children are available for adoption following the termination of parental rights or following the voluntary release of parental rights with commitment to DHS. Adoption offers children a sense of security and permanency within a family.

### Federal Law

#### **The Adoption and Safe Families Act (ASFA) of 1997, Public Law 105-89.**

The basic premise of the legislation is that safety, permanency and child well-being must be the major concerns of child welfare. Promotes the adoption of children in foster care.

### State Law

#### **Adoption Code, 1974 PA 296, (MCL 710.1 et seq.), also known as Michigan Adoption Code.**

Provides that a release must be given only to a child placing agency or to DHS. When a child is released for adoption and committed to a child placing agency, that agency may release the child to DHS and DHS must accept the release. Upon release of a child to DHS, the child must become a state ward.

### Changing Goal to Adoption

A foster child's permanency goal cannot be changed to adoption unless one of the following occurs:

- Parental rights of both parents are terminated and the written order of termination has been received by the worker.
- A judge issues a written order that the permanency goal be changed to adoption, even in the absence of an order terminating parental rights.

### Referral/ Notification

Upon the receipt of orders terminating all parental rights, the referral process to adoption must begin. The process must be as follows:

1. The child welfare funding specialist (CWFS) enters the orders terminating all parental rights into Michigan Statewide Automated Child Welfare Information System (MiSACWIS) within 5 business days of receipt and notifies the caseworker when they have been entered.
2. The caseworker ensures that the order has been entered into Mi-SACWIS and changes the permanency goal to adoption within 3 business days of the receipt of the written orders terminating parental rights.
3. Assemble the referral packet and refer the case to Adoption Services, whether to a private contracted agency or DHS.

**Note:** Appeals of a termination of parental rights decision may delay adoption finalization but must not delay an adoptive placement. Appeals must not delay referrals to the adoption supervisor.

### **Referral Packet for Adoption**

See ADM 210, Referral to Adoption.

### **Coordination Between Foster Care and Adoption Workers**

Preparation of the child for an adoptive placement must include joint planning between the caseworker and adoption staff. Until the child is placed for adoption by the court, the foster care caseworker is the child's primary worker. The adoption worker is the secondary worker and must be coded as such in MiSACWIS. During this time, the adoption worker must provide the assigned caseworker with copies of the DHS-1926, Child Adoption Assessment, and the DHS-614, Quarterly Adoption Progress Report; see ADM 330, Quarterly Adoption Progress Reports, and ADM 300, Child Adoption Assessment.

The caseworker must file both the child's adoption assessment and quarterly progress reports received from the adoption worker in the case file and must include information from these reports in the case service plan.

The adoption worker must provide the caseworker with the PCA 320, Order Placing Child After Consent, within 14 calendar days of

issuance or in the case of an immediate adoption confirmation, the PCA 321, Order of Adoption. Within 14 calendar days of receipt of the PCA 320 or 321, the child welfare funding specialist must enter the orders into MiSACWIS.